

OGC Has Reviewed

Chief, Travel Section, Finance Division

12 August 1954

Office of General Counsel

Travel on Ships of United States Registry

REFERENCE: Your Memorandum Dated 11 May 1954, Same Subject

1. We have withheld response to the reference pending an opportunity to examine Foreign Service Circular No. 81 and a proposed Agency [redacted] both pertaining to the above subject. The Agency proposed Field Notice substantially adopts the provisions of the Circular.

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2. The factual situation posed in paragraph 4 (a) of the reference is one where, we believe, the employee's use of a foreign vessel after the taking of leave would not be regarded as necessary to the accomplishment of his mission. Nor could it be said, in such a case, that a vessel of United States registry was not available within the meaning of paragraph 6 b. The delay in travel serves only the convenience of the employee and in our thinking does not constitute such "excessive waste of time and money" as to permit travel by a foreign flag vessel in accordance with the standards set forth in the new proposed Notice. Accordingly, we agree with your interpretation of the applicability of the present Agency Field Regulation to the facts presented.

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3. The situation raised by the example presented in paragraph 5 b. of the reference is treated in an opinion of this office to Chief, [redacted], dated April 14, 1954, subject: Attached Proposed Cable re Sea Travel. Although the circumstances under which travel by foreign vessel may be reimbursable are more expansive under Foreign Service Circular No. 81 and the proposed Field Notice than might be countenanced by a literal reading of the above opinion, the opinion itself was based on published decisions of the Comptroller General then available. We understand from an informal conversation with a cleared representative of the General Accounting Office that his agency has approved the substantive provisions of Foreign Service Circular No. 81. However, insofar as it treats the subject of authorization of indirect travel constituting per se authority to travel by foreign vessel, the language of our opinion still stands. To the extent that the standards prescribed in Foreign Service Circular No. 81 with respect to delay periods necessary before travel by foreign vessel

may be undertaken by employees or dependents conflict with certain language in our prior opinion, the [redacted] when issued, will, of course, govern.

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4. Your copy of Foreign Service Circular No. 81 is returned herewith.

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[redacted]

Attachment

Foreign Service Circular No. 81

OGC/GHK:mks (10 August 1954)

Distribution:

1 & 1 - Addressee
1 - GHK Chrono.
✓1 - Travel File
1 - OGC - 349 [redacted]
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